IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 295 of 2006

PUBLI TRUST SHRI GEETA SATSANG BHAWAN
V/S
SHRI NAND LAL & ORS

Mr. DC SHARMA, for the appellant / petitioner

Date of Order : 19.9.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

The learned lower Appellate Court has dismissed the suit for eviction finding that the plaintiff-trust is not duly registered under the provisions of Rajasthan Public Trust Act.

It was contended by learned counsel for the appellant that even by virtue of Section 29 of the Rajasthan Public Trust Act, there is no bar against maintainability of the suit, and the bar is only against hearing and decision of the suit, therefore, the suit could not be dismissed.

Learned counsel for the appellant was pointedly put, as to whether even as on the date the plaintiff-trust has been registered or not under the provisions of the Public Trust Act, and the answer given by the learned counsel for the appellant was in negative.

In that view of the matter, I do not find any error in the finding of the learned lower Appellate Court.

The appeal is, therefore, dismissed summarily.

(N P GUPTA),J.

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